

1 AN ACT concerning abuse and neglect.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 3. The Abused and Neglected Long Term Care  
5 Facility Residents Reporting Act is amended by changing  
6 Section 4 as follows:

7 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

8 Sec. 4. Any long term care facility administrator, agent  
9 or employee or any physician, hospital, surgeon, dentist,  
10 osteopath, chiropractor, podiatrist, ~~Christian--Science~~  
11 ~~practitioner~~, coroner, social worker, social services  
12 administrator, registered nurse, law enforcement officer,  
13 field personnel of the Illinois Department of Public Aid,  
14 field personnel of the Illinois Department of Public Health  
15 and County or Municipal Health Departments, personnel of the  
16 Department of Human Services (acting as the successor to the  
17 Department of Mental Health and Developmental Disabilities or  
18 the Department of Public Aid), personnel of the Guardianship  
19 and Advocacy Commission, personnel of the State Fire Marshal,  
20 local fire department inspectors or other personnel, or  
21 personnel of the Illinois Department on Aging, or its  
22 subsidiary Agencies on Aging, or employee of a facility  
23 licensed under the Assisted Living and Shared Housing Act,  
24 having reasonable cause to believe any resident with whom  
25 they have direct contact has been subjected to abuse or  
26 neglect shall immediately report or cause a report to be made  
27 to the Department. Persons required to make reports or cause  
28 reports to be made under this Section include all employees  
29 of the State of Illinois who are involved in providing  
30 services to residents, including professionals providing  
31 medical or rehabilitation services and all other persons

1 having direct contact with residents; and further include all  
2 employees of community service agencies who provide services  
3 to a resident of a public or private long term care facility  
4 outside of that facility. Any long term care surveyor of the  
5 Illinois Department of Public Health who has reasonable cause  
6 to believe in the course of a survey that a resident has been  
7 abused or neglected and initiates an investigation while on  
8 site at the facility shall be exempt from making a report  
9 under this Section but the results of any such investigation  
10 shall be forwarded to the central register in a manner and  
11 form described by the Department.

12 The requirement of this Act shall not relieve any long  
13 term care facility administrator, agent or employee of  
14 responsibility to report the abuse or neglect of a resident  
15 under Section 3-610 of the Nursing Home Care Act.

16 In addition to the above persons required to report  
17 suspected resident abuse and neglect, any other person may  
18 make a report to the Department, or to any law enforcement  
19 officer, if such person has reasonable cause to suspect a  
20 resident has been abused or neglected.

21 This Section also applies to residents whose death occurs  
22 from suspected abuse or neglect before being found or brought  
23 to a hospital.

24 A person required to make reports or cause reports to be  
25 made under this Section who fails to comply with the  
26 requirements of this Section is guilty of a Class A  
27 misdemeanor. A person who is required to make reports or  
28 cause reports to be made under this Section who suffers  
29 damages as a result of making or causing to be made a report  
30 of a violation committed by a licensee or its agents or  
31 employees may bring an action against the licensee and its  
32 agents and employees.

33 A person who knowingly transmits or causes to be  
34 transmitted a false report to the Department commits the

1 offense of disorderly conduct under item (8.5) of subsection  
 2 (a) of Section 26-1 of the Criminal Code of 1961. For the  
 3 purposes of this paragraph, "person" does not include a  
 4 resident.

5 (Source: P.A. 91-656, eff. 1-1-01.)

6 Section 5. The Nursing Home Care Act is amended by  
 7 changing Sections 3-608 and 3-702 as follows:

8 (210 ILCS 45/3-608) (from Ch. 111 1/2, par. 4153-608)

9 Sec. 3-608. Discrimination; private right of action. A  
 10 licensee or its agents or employees shall not transfer,  
 11 discharge, evict, harass, dismiss, or retaliate against a  
 12 resident, a resident's representative, or an employee or  
 13 agent who makes a report under Section 2-107, brings or  
 14 testifies in an action under Sections 3-601 through 3-607, or  
 15 files a complaint under Section 3-702, because of the report,  
 16 testimony, or complaint.

17 A person who suffers damages as a result of a violation  
 18 of this Section committed by the licensee or its agents or  
 19 employees may bring an action against the licensee or its  
 20 agents or employees.

21 (Source: P.A. 81-223.)

22 (210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

23 Sec. 3-702. (a) A person who believes that this Act or a  
 24 rule promulgated under this Act may have been violated may  
 25 request an investigation. The request may be submitted to the  
 26 Department in writing, by telephone, or by personal visit. An  
 27 oral complaint shall be reduced to writing by the Department.  
 28 The Department shall request information identifying the  
 29 complainant, including the name, address and telephone  
 30 number, to help enable appropriate follow-up. The Department  
 31 shall act on such complaints via on-site visits or other

1 methods deemed appropriate to handle the complaints with or  
2 without such identifying information, as otherwise provided  
3 under this Section. Nothing in this Section requires an  
4 investigation to include an on-site visit. The complainant  
5 shall be informed that compliance with such request is not  
6 required to satisfy the procedures for filing a complaint  
7 under this Act.

8 (b) The substance of the complaint shall be provided in  
9 writing to the licensee, owner or administrator no earlier  
10 than at the commencement of an on-site inspection of the  
11 facility which takes place pursuant to the complaint.

12 (c) The Department shall not disclose the name of the  
13 complainant unless the complainant consents in writing to the  
14 disclosure or the investigation results in a judicial  
15 proceeding, or unless disclosure is essential to the  
16 investigation. The complainant shall be given the opportunity  
17 to withdraw the complaint before disclosure. Upon the request  
18 of the complainant, the Department may permit the complainant  
19 or a representative of the complainant to accompany the  
20 person making the on-site inspection of the facility.

21 (d) Upon receipt of a complaint, the Department shall  
22 determine whether this Act or a rule promulgated under this  
23 Act has been or is being violated. Upon receipt of a  
24 complaint alleging abuse or neglect of a resident, the  
25 Department shall conduct an initial investigation and make an  
26 initial determination whether the report is a good faith  
27 indication of alleged abuse or neglect. If the Department  
28 determines the report is a good faith indication of alleged  
29 abuse or neglect, a formal investigation shall commence. The  
30 Department shall investigate all reports of alleged abuse or  
31 neglect made in good faith ~~complaints--alleging--abuse--or~~  
32 ~~neglect~~ that ~~within-7-days-after-the-receipt-of-the-complaint~~  
33 ~~except--that--complaints--of--abuse-or-neglect-which~~ indicate  
34 that a resident's life or safety is in imminent danger shall

1 be---investigated within 24 hours after receipt of the  
2 complaint. Complaints alleging immediate jeopardy to a  
3 resident's health or safety shall be investigated within 2  
4 working days after receipt of the complaint. All other  
5 complaints shall be investigated within 30 days after the  
6 receipt of the complaint. The Department employees  
7 investigating a complaint shall conduct a brief, informal  
8 exit conference with the facility to alert its administration  
9 of any suspected serious deficiency that poses a direct  
10 threat to the health, safety or welfare of a resident to  
11 enable an immediate correction for the alleviation or  
12 elimination of such threat. Such information and findings  
13 discussed in the brief exit conference shall become a part of  
14 the investigating record but shall not in any way constitute  
15 an official or final notice of violation as provided under  
16 Section 3-301. All complaints shall be classified as "an  
17 invalid report", "a valid report", or "an undetermined  
18 report". For any complaint classified as "a valid report",  
19 the Department must determine within 30 working days if any  
20 rule or provision of this Act has been or is being violated.  
21 The Department may extend the period in which such  
22 determinations must be made in individual cases for  
23 additional periods of up to 30 days each for good cause  
24 shown. The Department shall by rule establish what shall  
25 constitute good cause.

26 (d-1) The Department shall, whenever possible, combine  
27 an on-site investigation of a complaint in a facility with  
28 other inspections in order to avoid duplication of  
29 inspections.

30 (e) In all cases, the Department shall inform the  
31 complainant of its findings within 10 days of its  
32 determination unless otherwise indicated by the complainant,  
33 and the complainant may direct the Department to send a copy  
34 of such findings to another person. The Department's findings

1 may include comments or documentation provided by either the  
2 complainant or the licensee pertaining to the complaint. The  
3 Department shall also notify the facility of such findings  
4 within 10 days of the determination, but the name of the  
5 complainant or residents shall not be disclosed in this  
6 notice to the facility. The notice of such findings shall  
7 include a copy of the written determination; the correction  
8 order, if any; the warning notice, if any; the inspection  
9 report; or the State licensure form on which the violation is  
10 listed.

11 (f) A written determination, correction order, or  
12 warning notice concerning a complaint, together with the  
13 facility's response, shall be available for public  
14 inspection, but the name of the complainant or resident shall  
15 not be disclosed without his consent.

16 (g) A complainant who is dissatisfied with the  
17 determination or investigation by the Department may request  
18 a hearing under Section 3-703. The facility shall be given  
19 notice of any such hearing and may participate in the hearing  
20 as a party. If a facility requests a hearing under Section  
21 3-703 which concerns a matter covered by a complaint, the  
22 complainant shall be given notice and may participate in the  
23 hearing as a party. A request for a hearing by either a  
24 complainant or a facility shall be submitted in writing to  
25 the Department within 30 days after the mailing of the  
26 Department's findings as described in subsection (e) of this  
27 Section. Upon receipt of the request the Department shall  
28 conduct a hearing as provided under Section 3-703.

29 (h) Any person who knowingly transmits a false report to  
30 the Department commits the offense of disorderly conduct  
31 under subsection (a)(8) of Section 26-1 of the "Criminal Code  
32 of 1961".

33 (Source: P.A. 85-1378.)

1 Section 10. The Elder Abuse and Neglect Act is amended  
2 by changing Sections 2, 4, and 4.1 as follows:

3 (320 ILCS 20/2) (from Ch. 23, par. 6602)

4 Sec. 2. Definitions. As used in this Act, unless the  
5 context requires otherwise:

6 (a) "Abuse" means causing any physical, mental or sexual  
7 injury to an eligible adult, including exploitation of such  
8 adult's financial resources.

9 Nothing in this Act shall be construed to mean that an  
10 eligible adult is a victim of abuse or neglect for the sole  
11 reason that he or she is being furnished with or relies upon  
12 treatment by spiritual means through prayer alone, in  
13 accordance with the tenets and practices of a recognized  
14 church or religious denomination.

15 Nothing in this Act shall be construed to mean that an  
16 eligible adult is a victim of abuse because of health care  
17 services provided or not provided by licensed health care  
18 professionals.

19 (a-5) "Abuser" means a person who abuses, neglects, or  
20 financially exploits an eligible adult.

21 (a-7) "Caregiver" means a person who either as a result  
22 of a family relationship, voluntarily, or in exchange for  
23 compensation has assumed responsibility for all or a portion  
24 of the care of an eligible adult who needs assistance with  
25 activities of daily living.

26 (b) "Department" means the Department on Aging of the  
27 State of Illinois.

28 (c) "Director" means the Director of the Department.

29 (d) "Domestic living situation" means a residence where  
30 the eligible adult lives alone or with his or her family or a  
31 caregiver, or others, or a board and care home or other  
32 community-based unlicensed facility, but is not:

33 (1) A licensed facility as defined in Section 1-113

1 of the Nursing Home Care Act;

2 (2) A "life care facility" as defined in the Life  
3 Care Facilities Act;

4 (3) A home, institution, or other place operated by  
5 the federal government or agency thereof or by the State  
6 of Illinois;

7 (4) A hospital, sanitarium, or other institution,  
8 the principal activity or business of which is the  
9 diagnosis, care, and treatment of human illness through  
10 the maintenance and operation of organized facilities  
11 therefor, which is required to be licensed under the  
12 Hospital Licensing Act;

13 (5) A "community living facility" as defined in the  
14 Community Living Facilities Licensing Act;

15 (6) A "community residential alternative" as  
16 defined in the Community Residential Alternatives  
17 Licensing Act; and

18 (7) A "community-integrated living arrangement" as  
19 defined in the Community-Integrated Living Arrangements  
20 Licensure and Certification Act.

21 (e) "Eligible adult" means a person 60 years of age or  
22 older who resides in a domestic living situation and is, or  
23 is alleged to be, abused, neglected, or financially exploited  
24 by another individual.

25 (f) "Emergency" means a situation in which an eligible  
26 adult is living in conditions presenting a risk of death or  
27 physical, mental or sexual injury and the provider agency has  
28 reason to believe the eligible adult is unable to consent to  
29 services which would alleviate that risk.

30 (f-5) "Mandated reporter" means any of the following  
31 persons while engaged in carrying out their professional  
32 duties:

33 (1) a professional or professional's delegate while  
34 engaged in: (i) social services, (ii) law enforcement,

1 (iii) education, (iv) the care of an eligible adult or  
2 eligible adults, or (v) any of the occupations required  
3 to be licensed under the Clinical Psychologist Licensing  
4 Act, the Clinical Social Work and Social Work Practice  
5 Act, the Illinois Dental Practice Act, the Dietetic and  
6 Nutrition Services Practice Act, the Marriage and Family  
7 Therapy Licensing Act, the Medical Practice Act of 1987,  
8 the Naprapathic Practice Act, the Nursing and Advanced  
9 Practice Nursing Act, the Nursing Home Administrators  
10 Licensing and Disciplinary Act, the Illinois Occupational  
11 Therapy Practice Act, the Illinois Optometric Practice  
12 Act of 1987, the Pharmacy Practice Act of 1987, the  
13 Illinois Physical Therapy Act, the Physician Assistant  
14 Practice Act of 1987, the Podiatric Medical Practice Act  
15 of 1987, the Respiratory Care Practice Act, the  
16 Professional Counselor and Clinical Professional  
17 Counselor Licensing Act, the Illinois Speech-Language  
18 Pathology and Audiology Practice Act, the Veterinary  
19 Medicine and Surgery Practice Act of 1994, and the  
20 Illinois Public Accounting Act;

21 (2) an employee of a vocational rehabilitation  
22 facility prescribed or supervised by the Department of  
23 Human Services;

24 (3) an administrator, employee, or person providing  
25 services in or through an unlicensed community based  
26 facility;

27 (4) (blank) a-Christian-Science-Practitioner;

28 (5) field personnel of the Department of Public  
29 Aid, Department of Public Health, and Department of Human  
30 Services, and any county or municipal health department;

31 (6) personnel of the Department of Human Services,  
32 the Guardianship and Advocacy Commission, the State Fire  
33 Marshal, local fire departments, the Department on Aging  
34 and its subsidiary Area Agencies on Aging and provider

1 agencies, and the Office of State Long Term Care  
2 Ombudsman;

3 (7) any employee of the State of Illinois not  
4 otherwise specified herein who is involved in providing  
5 services to eligible adults, including professionals  
6 providing medical or rehabilitation services and all  
7 other persons having direct contact with eligible adults;  
8 or

9 (8) a person who performs the duties of a coroner  
10 or medical examiner.

11 (g) "Neglect" means another individual's failure to  
12 provide an eligible adult with or willful withholding from an  
13 eligible adult the necessities of life including, but not  
14 limited to, food, clothing, shelter or medical care. This  
15 subsection does not create any new affirmative duty to  
16 provide support to eligible adults. Nothing in this Act  
17 shall be construed to mean that an eligible adult is a victim  
18 of neglect because of health care services provided or not  
19 provided by licensed health care professionals.

20 (h) "Provider agency" means any public or nonprofit  
21 agency in a planning and service area appointed by the  
22 regional administrative agency with prior approval by the  
23 Department on Aging to receive and assess reports of alleged  
24 or suspected abuse, neglect, or financial exploitation.

25 (i) "Regional administrative agency" means any public or  
26 nonprofit agency in a planning and service area so designated  
27 by the Department, provided that the designated Area Agency  
28 on Aging shall be designated the regional administrative  
29 agency if it so requests. The Department shall assume the  
30 functions of the regional administrative agency for any  
31 planning and service area where another agency is not so  
32 designated.

33 (j) "Substantiated case" means a reported case of  
34 alleged or suspected abuse, neglect, or financial

1 exploitation in which a provider agency, after assessment,  
2 determines that there is reason to believe abuse, neglect, or  
3 financial exploitation has occurred.

4 (Source: P.A. 91-259, eff. 1-1-00; 91-357, eff. 7-29-99;  
5 91-533, eff. 8-13-99; 92-16, eff. 6-28-01.)

6 (320 ILCS 20/4) (from Ch. 23, par. 6604)

7 Sec. 4. Reports of abuse or neglect.

8 (a) Any person who suspects the abuse, neglect, or  
9 financial exploitation of an eligible adult may report this  
10 suspicion to an agency designated to receive such reports  
11 under this Act or to the Department.

12 (a-5) If any mandated reporter has reason to believe  
13 that an eligible adult, who because of dysfunction is unable  
14 to seek assistance for himself or herself, has, within the  
15 previous 12 months, been subjected to abuse, neglect, or  
16 financial exploitation, the mandated reporter shall, within  
17 24 hours after developing such belief, report this suspicion  
18 to an agency designated to receive such reports under this  
19 Act or to the Department. Whenever a mandated reporter is  
20 required to report under this Act in his or her capacity as a  
21 member of the staff of a medical or other public or private  
22 institution, facility, board and care home, or agency, he or  
23 she shall make a report to an agency designated to receive  
24 such reports under this Act or to the Department in  
25 accordance with the provisions of this Act and may also  
26 notify the person in charge of the institution, facility,  
27 board and care home, or agency or his or her designated agent  
28 that the report has been made. Under no circumstances shall  
29 any person in charge of such institution, facility, board and  
30 care home, or agency, or his or her designated agent to whom  
31 the notification has been made, exercise any control,  
32 restraint, modification, or other change in the report or the  
33 forwarding of the report to an agency designated to receive

1 such reports under this Act or to the Department. The  
2 privileged quality of communication between any professional  
3 person required to report and his or her patient or client  
4 shall not apply to situations involving abused, neglected, or  
5 financially exploited eligible adults and shall not  
6 constitute grounds for failure to report as required by this  
7 Act.

8 (a-7) A person making a report under this Act in the  
9 belief that it is in the alleged victim's best interest shall  
10 be immune from criminal or civil liability or professional  
11 disciplinary action on account of making the report,  
12 notwithstanding any requirements concerning the  
13 confidentiality of information with respect to such eligible  
14 adult which might otherwise be applicable.

15 (a-9) Law enforcement officers shall continue to report  
16 incidents of alleged abuse pursuant to the Illinois Domestic  
17 Violence Act of 1986, notwithstanding any requirements under  
18 this Act.

19 (b) Any person, institution or agency participating in  
20 the making of a report, providing information or records  
21 related to a report, assessment, or services, or  
22 participating in the investigation of a report under this Act  
23 in good faith, or taking photographs or x-rays as a result of  
24 an authorized assessment, shall have immunity from any civil,  
25 criminal or other liability in any civil, criminal or other  
26 proceeding brought in consequence of making such report or  
27 assessment or on account of submitting or otherwise  
28 disclosing such photographs or x-rays to any agency  
29 designated to receive reports of alleged or suspected abuse  
30 or neglect. Any person, institution or agency authorized by  
31 the Department to provide assessment, intervention, or  
32 administrative services under this Act shall, in the good  
33 faith performance of those services, have immunity from any  
34 civil, criminal or other liability in any civil, criminal, or

1 other proceeding brought as a consequence of the performance  
2 of those services. For the purposes of any civil, criminal,  
3 or other proceeding, the good faith of any person required to  
4 report, permitted to report, or participating in an  
5 investigation of a report of alleged or suspected abuse,  
6 neglect, or financial exploitation shall be presumed.

7 (c) The identity of a person making a report of alleged  
8 or suspected abuse or neglect under this Act may be disclosed  
9 by the Department or other agency provided for in this Act  
10 only with such person's written consent or by court order.

11 (d) The Department shall by rule establish a system for  
12 filing and compiling reports made under this Act.

13 (e) A person who knowingly transmits or causes to be  
14 transmitted a false report to the Department commits the  
15 offense of disorderly conduct under item (8.6) of subsection  
16 (a) of Section 26-1 of the Criminal Code of 1961. For the  
17 purposes of this subsection, "person" does not include the  
18 subject of the report.

19 (Source: P.A. 90-628, eff. 1-1-99.)

20 (320 ILCS 20/4.1)

21 Sec. 4.1. Employer discrimination; private right of  
22 action. No employer shall discharge, demote or suspend, or  
23 threaten to discharge, demote or suspend, or in any manner  
24 discriminate against any employee who makes any good faith  
25 oral or written report of suspected elder abuse, neglect, or  
26 financial exploitation or who is or will be a witness or  
27 testify in any investigation or proceeding concerning a  
28 report of suspected elder abuse, neglect, or financial  
29 exploitation.

30 A person who suffers damages as a result of a violation  
31 of this Section committed by an employer may bring an action  
32 against the employer.

33 (Source: P.A. 90-628, eff. 1-1-99.)

1 Section 15. The Criminal Code of 1961 is amended by  
2 changing Section 26-1 as follows:

3 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)  
4 Sec. 26-1. Elements of the Offense.

5 (a) A person commits disorderly conduct when he  
6 knowingly:

7 (1) Does any act in such unreasonable manner as to  
8 alarm or disturb another and to provoke a breach of the  
9 peace; or

10 (2) Transmits or causes to be transmitted in any  
11 manner to the fire department of any city, town, village  
12 or fire protection district a false alarm of fire,  
13 knowing at the time of such transmission that there is no  
14 reasonable ground for believing that such fire exists; or

15 (3) Transmits or causes to be transmitted in any  
16 manner to another a false alarm to the effect that a bomb  
17 or other explosive of any nature or a container holding  
18 poison gas, a deadly biological or chemical contaminant,  
19 or radioactive substance is concealed in such place that  
20 its explosion or release would endanger human life,  
21 knowing at the time of such transmission that there is no  
22 reasonable ground for believing that such bomb, explosive  
23 or a container holding poison gas, a deadly biological or  
24 chemical contaminant, or radioactive substance is  
25 concealed in such place; or

26 (4) Transmits or causes to be transmitted in any  
27 manner to any peace officer, public officer or public  
28 employee a report to the effect that an offense will be  
29 committed, is being committed, or has been committed,  
30 knowing at the time of such transmission that there is no  
31 reasonable ground for believing that such an offense will  
32 be committed, is being committed, or has been committed;  
33 or

1 (5) Enters upon the property of another and for a  
2 lewd or unlawful purpose deliberately looks into a  
3 dwelling on the property through any window or other  
4 opening in it; or

5 (6) While acting as a collection agency as defined  
6 in the "Collection Agency Act" or as an employee of such  
7 collection agency, and while attempting to collect an  
8 alleged debt, makes a telephone call to the alleged  
9 debtor which is designed to harass, annoy or intimidate  
10 the alleged debtor; or

11 (7) Transmits or causes to be transmitted a false  
12 report to the Department of Children and Family Services  
13 under Section 4 of the "Abused and Neglected Child  
14 Reporting Act"; or

15 (8) Transmits or causes to be transmitted a false  
16 report to the Department of Public Health under the  
17 Nursing Home Care Act; or

18 (8.5) Transmits or causes to be transmitted a false  
19 report to the Department of Public Health under the  
20 Abused and Neglected Long Term Care Facility Residents  
21 Reporting Act; or

22 (8.6) Transmits or causes to be transmitted a false  
23 report to the Department on Aging under the Elder Abuse  
24 and Neglect Act; or

25 (9) Transmits or causes to be transmitted in any  
26 manner to the police department or fire department of any  
27 municipality or fire protection district, or any  
28 privately owned and operated ambulance service, a false  
29 request for an ambulance, emergency medical  
30 technician-ambulance or emergency medical  
31 technician-paramedic knowing at the time there is no  
32 reasonable ground for believing that such assistance is  
33 required; or

34 (10) Transmits or causes to be transmitted a false

1 report under Article II of "An Act in relation to victims  
2 of violence and abuse", approved September 16, 1984, as  
3 amended; or

4 (11) Transmits or causes to be transmitted a false  
5 report to any public safety agency without the reasonable  
6 grounds necessary to believe that transmitting such a  
7 report is necessary for the safety and welfare of the  
8 public; or

9 (12) Calls the number "911" for the purpose of  
10 making or transmitting a false alarm or complaint and  
11 reporting information when, at the time the call or  
12 transmission is made, the person knows there is no  
13 reasonable ground for making the call or transmission and  
14 further knows that the call or transmission could result  
15 in the emergency response of any public safety agency.

16 (b) Sentence. A violation of subsection (a)(1) of this  
17 Section is a Class C misdemeanor. A violation of subsection  
18 (a)(5), (a)(7), (a)(8), (a)(8.5), (a)(8.6), (a)(11), or  
19 (a)(12) of this Section is a Class A misdemeanor. A  
20 violation of subsection ~~(a)(8)~~ or (a)(10) of this Section is  
21 a Class B misdemeanor. A violation of subsection (a)(2),  
22 (a)(4), or (a)(9) of this Section is a Class 4 felony. A  
23 violation of subsection (a)(3) of this Section is a Class 3  
24 felony, for which a fine of not less than \$3,000 and no more  
25 than \$10,000 shall be assessed in addition to any other  
26 penalty imposed.

27 A violation of subsection (a)(6) of this Section is a  
28 Business Offense and shall be punished by a fine not to  
29 exceed \$3,000. A second or subsequent violation of  
30 subsection (a)(7), (a)(8), (a)(8.5), (a)(8.6), (a)(11), or  
31 (a)(12) of this Section is a Class 4 felony. A third or  
32 subsequent violation of subsection (a)(5) of this Section is  
33 a Class 4 felony.

34 (c) In addition to any other sentence that may be

1 imposed, a court shall order any person convicted of  
2 disorderly conduct to perform community service for not less  
3 than 30 and not more than 120 hours, if community service is  
4 available in the jurisdiction and is funded and approved by  
5 the county board of the county where the offense was  
6 committed. In addition, whenever any person is placed on  
7 supervision for an alleged offense under this Section, the  
8 supervision shall be conditioned upon the performance of the  
9 community service.

10 This subsection does not apply when the court imposes a  
11 sentence of incarceration.

12 (Source: P.A. 91-115, eff. 1-1-00; 91-121, eff. 7-15-99;  
13 92-16, eff. 6-28-01; 92-502, eff. 12-19-01.)